IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 5852 of 2005

Between:

S. Dasaradhi, S/o. T. Sriramulu, Aged 81 years,
R/o. Door No.7, Rajarajeshwari Nagar, Kolathur,
Chennai-600 099.

..... PETITIONER

AND

1 The Govt of A.P., Rep. by its Prl. Secretary,

Environment, Science & Technology (For.IV) Dept.,
Secretariat, Hyderabad.

2 The Conservator of Forests,

Anantapur, Anantapur District.

3 The Divisional Forest Officer,

Chittoor West, Chittoor.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more in the nature of writ of Mandamus, directing the respondents to pay the damages to the petitioner by determining the loss caused in respect of shandal Wood material of 4.627 tonnes which was not returned to the petitioner in view of the 3rd respondent proceedings

No.5040/78/S, dt. 16.10.1984 by declaring the action of the 2nd and 3rd respondents in not returning the said material to the petitioner or not paying the equal value by way of compensation is arbitrary, illegal and violative of Provisions of Article -300 (A) of the Constitution of India, and pass such other order or orders.

Counsel for the Petitioner: MR.V.S.N.SARMA

Counsel for the Respondent No.: GP FOR FORESTS

The Court made the following :

OREER:

The petitioner herein has purchased 284 sandal wood trees from owners of the patta lands and obtained permission from the Forest Department for uprooting, cutting and conversion into wood in November, 1979 and it is 9 tonnes 993 KGs 350 GMs. and the quantity of the sap wood billets and chips is 5 tonnes. At every stage of uprooting, cutting, etc. the forest officials have satisfied themselves and granted permission for transportation and he transported the material on 7.12.1979 to Calcutta. While so, the Divisional Forest Officer, Chittoor seized 7.667 tonnes sandal wood material on 2.2.1981 and 3.040 tonnes was confiscated and the balance of 4.627 was also not returned. Thus the petitioner is deprived of valuable property and presumes that the respondents have sold away the property and misappropriated the sale proceeds. Therefore, filed this writ petition with the above prayer.

Heard the learned counsel for the petitioner and learned Government Pleader for Forests.

Evidently, the relief prayed in this writ petition is beyond the scope and ambit of Article 226 of the Constitution of India, inasmuch for assessing the damage, etc., as prayed for, requires recording of evidence on behalf of both the parties. Therefore, while dismissing the writ petition, as not maintainable, the petitioner is permitted to approach competent civil court for redressal of his grievance, if so advised. Consequently, the writ petition fails and is accordingly

dismissed. No order as to costs.

Elipe Dharma Rao, J.

June 13, 2005

MAS.

To

1 The Principal Secretary Government of A.P.,

Environment, Science & Technology (For.IV) Dept.,
Secretariat, Hyderabad.

2 The Conservator of Forests,

Anantapur, Anantapur District.

3 The Divisional Forest Officer,

Chittoor West, Chittoor.

4 2 CCs. to the Government Pleader for Forests,

A.P. High Court Building, Hyderabad.

5 2 CD copies

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